

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1201
Tuesday, March 13, 2018, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair Flanagan, Vice Chair Back, Secretary Bond Ross		Miller Foster Sparger Ulmer	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on March 8, 2018, at 10:14 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Van De Wiele called the meeting to order at 1:00 p.m.

Mr. Foster read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the February 27, 2018 Board of Adjustment meeting (No. 1200).

UNFINISHED BUSINESS

22371—Eller & Detrich – Andrew Shank

Action Requested:

Appeal of a written zoning code interpretation (Section 70.140).

Mr. Van De Wiele stated that with appeals the Board typically hear from the Administrative Official first, which would be Ms. Warrick. Mr. Van De Wiele stated that for time purposes the Administrator will be allowed ten minutes and Mr. Shank will be allowed 15 minutes, and there will be five minutes for rebuttal.

Presentation:

Dawn Warrick, Planning and Director Developer, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated for this appeal she went through and picked out what she thought were key points in Mr. Shank's appeal of the interpretation regarding spacing requirements for outdoor advertising signs. Ms. Warrick stated that in the appeal the applicant disagrees with the practice of considering existing as well as legally permitted signs in making spacing determinations and believes that ignores the plan language of measurement provisions of the Code. In developing the interpretation and addressing the spacing verifications, to conduct any spacing verification it is important to remember that one of the fixed points under consideration is in fact not located on the ground it is proposed. In order to be placed on the ground the site plan indicating the physical location and dimensions for installation of the sign is used to measure any straight line from the center of the respective off premises outdoor advertising sign structure. Applying the same logic, the City recognizes legally permitted signs when determining what structures need to be considered for a spacing determination for new or modified outdoor advertising signs. Strictly applying the plan language of the Code would preclude any spacing verification if two fixed objects don't already exist on the ground the plan language of the Code is so restrictive that a proposed future location shown on a site plan with an application for a spacing verification can't be considered for measurements because it is not already located on the ground. Ms. Warrick stated that a spacing verification has different standing than a permit. A permit represents the City's granting approval for physical changes that are regulated by adopted Codes and Ordinances. A permit represents a structure allowed to be constructed or installed based on a site plan that confirms the physical location on the ground. The building code recognizes a permit as representing an existing structure. In Section 202, definitions of Title 51 which is the building code, existing structure is defined as a structure erected prior to the date of adoption of the appropriate Code or one for which a legal building permit has been issued. Ms. Warrick stated the City determines that existing structure by the building code does include those structures that have been legally permitted. This is the reason staff considers both existing and permitted structures through researching spacing determination requests for outdoor advertising signs. The second point in Mr. Shank's appeal was that the City permitting policies could result in potentially endless extensions for permits creating uncertainty and inconsistency for applicants seeking spacing verification. The building generally does authorize the chief building official to use discretion in granting extensions for permits, the building code also contemplates expiration of sign permits, very specifically and separately from other types of permits. Section 3107.5.6, titled Permit Expiration in the sign section of the Building Code, states permits for business or outdoor advertising signs which have not been utilized within six months from the date of issuance shall be null and void. Business signs and outdoor advertising signs shall have the same meaning as defined in the Zoning Code and the term utilized shall mean actual

installation of the sign. This provision offers assurance that permits cannot be extended indefinitely effectively blocking others out of potential locations or opportunities for placing signs. Ms. Warrick stated that it is clearly in the City's interest to apply the regulations consistently and to insure the purpose of spacing requirements is adhered to. The purpose is both aesthetic as well as to minimize or limit distractions for drivers in certain high traffic areas. The City recognizes that is an important civic purpose but also that the City cannot, by virtue of the permit being issued, hold up anyone else's opportunity to locate within a particular corridor if that permit will not be acted upon. Ms. Warrick stated the City issues a permit expecting people will act on the permit. This particular provision specific to business and outdoor advertising signs is more strict than other provisions that address expiration of permits, and whether or not they can be extended. There has to be some kind of physical action taking place. Installation in this instance is the action of installing, constructing or erecting the sign. If there was some potential that the activity began and then was suspended there would have to be a determination by the building official as to whether the original sign permit should be revoked. If it were to be revoked or extended those actions are appealable to the Board of Adjustment. Mr. Warrick stated there is due process in assuring that something that is permitted gets effectively acted upon, or if there is no action being taken it be revoked in a timely manner.

Ms. Ross asked Ms. Warrick what was the original purpose of the "as located on the ground" language in the Code provision? Ms. Warrick stated she is not sure of the original purpose. Clearly it is important to determine a specific location and that may have been the language that was chosen as a descriptor for where the sign is to be specifically placed on the lot and not to indicate that a person is measuring from the edge of a property or from the center point or some other place within the subject property; it is really intended that a person is to measure from the physical location where that sign will be placed.

Mr. Van De Wiele stated that he understands the substance of Mr. Shank's appeal and the City's position, and asked Ms. Warrick to give the Board some background information as to what gave rise to this. Ms. Warrick stated that she is not sure she knows all the specifics, so Mr. Shank can fill in the blanks. Ms. Warrick stated that it is her understanding that an application for a spacing verification had been granted for either a new sign or a conversion of an existing sign from static to digital. A permit had been issued for that change, but it had not been acted upon. It was during an initial 180 days the permit had not been acted upon and Mr. Shank had an applicant that was looking for a spacing verification that was in the same general area. The City did not issue a spacing verification or choose to apply that process of the spacing verification, because the City knew the permit representing an existing sign would preclude another sign being located within that corridor in that location. It was basically a matter if the sign was under permit but had not been modified and was not going to be modified another sign would have an opportunity to be placed, and a spacing verification could have been granted. However, the City felt it was premature to go through the spacing verification process because an active permit had already been issued and had not expired within the same general vicinity.

Mr. Van De Wiele asked Ms. Warrick about whether her terminology “processing the spacing verification” meant a different spacing verification than applicants appear before the Board of Adjustment for. Ms. Warrick answered no. Mr. Van De Wiele asked Ms. Warrick if Mr. Shank’s client had received the spacing verification from the Board and it had not bloomed into a sign permit by the refusal of process by the city office. Ms. Warrick answered affirmatively. Ms. Warrick stated that she believed it was premature to put the resources into conducting the spacing verification because there was already an existing sign that would have made it impossible for the City to make a verification.

Mr. Van De Wiele stated that what the Board sees is an applicant comes here with a Surveyor’s report showing that they are 1,200 feet apart from other signs. Once the Board has verified that spacing does the applicant take that approval to the City, or is the City doing something with in before it comes to the Board. Ms. Warrick stated the applicant is required to submit the spacing verification as well as a permit from ODOT to the City’s permit office.

Mr. Van De Wiele stated that what he is struggling with, and he does not think the language of the resolutions or approvals are necessarily dictated by the Zoning Code, but there is the language that says “subject to the action of the Board being null and void should another outdoor advertising sign be erected prior to the sign”, so it always seems as if there is a race to get a permit. Ms. Warrick stated that she believes it has been sort of a race and her concern is that the City could issue multiple spacing verifications within a particular area, but the City would have to recognize existing permits as something that needed to be incorporated and shown to determine verification of spacing. The City has to recognize the items that have been legally permitted as structures that would need to be dimensioned and shown on the verification surveys so that there would not be authorization of issuance of multiple permits, and the permits would become the race to the top for whomever chose to start constructing. The City is concerned about ending up in a situation where permits were issued, or put in a position to issue multiple permits, that the first one issued is not fully built out and erected a sign almost immediately that someone else would be able to come in with another valid permit and cause the first sign installation to become non-conforming or illegal.

Mr. Van De Wiele asked Ms. Warrick if this was something new, he has been on the Board of Adjustment for almost ten years, because if two applicants came in and both verified spacing that would have competed with one another should they have been built? Has that situation come up before, or does the City generally refuse to issue the second of those permits? How has that been dealt with in the past? Ms. Warrick that she has not experienced that in the past six years, but it doesn’t mean that there have not been conversations. Generally, in the corridors where outdoor advertising signs are to be located they’re popular corridors. There are sign companies always looking for opportunities within those areas. The City’s main interest is that when something is permitted that it is recognized as having a standing as a structure so that permit is then used for the purpose of any new or next spacing criteria. Otherwise the City could get

into a situation where there are multiple spacing verifications that would allow for multiple permits that are competing and would negate one another. It is not in the City's interest to allow for a permit through a process and not consider when the next permit application is submitted.

Mr. Van De Wiele asked Ms. Warrick if applicants were advised that there is another permit or another location that is potentially competing for space. Ms. Warrick stated that to the extent possible the City would do that.

Andrew Shank, Eller & Detrich, 2727 East 21st Street, Suite 200, Tulsa, OK; stated his client filed an application for a spacing verification report, which is the one the Board has seen for over ten years, and it is just math of the surveyor's exhibit, the bubble, and digitally there is nothing within 1,200 feet facing the same traveled way up or down. There was a permit that had been issued for an existing sign within the surveyor's bubble to digitize and because of that the City would not let the application get to the Board of Adjustment for a determination on spacing.

Mr. Van De Wiele asked Mr. Shank if he was saying that the sign he was seeking spacing verification on was never heard by the Board. Mr. Shank answered affirmatively. Mr. Shank stated that was a cause for concern because in his observation this is a very preliminary aspect of the development process. Everything the City is focused on is not the plan language of the Zoning Code, which is what the Board is tasked with upholding. It is really the last step in the process. Because of that, the sign that was competing with his client was digitized which made his client's application moot, withdrew that application, filed an academic application to say this is a problem and need the Board of Adjustment to weigh in. Mr. Shank stated that is what this is.

Mr. Shank stated that his contention is simple. The plan language of the Code does not support the City's position at all. It is crystal clear. This is math. The applicant shows up with an engineering exhibit that says these are the coordinates, the location, here is 1,200 feet, and there is nothing located on the ground within 1,200 feet on the same side of the highway for traditional sign, same traveled way for whatever it is facing for digital. Mr. Shank stated that Section 110-D, this is the power the Board has when taking applications for spacing, the Zoning Code states "taken the evidence and testimony in, in looking to see whether or not the application complies with the applicable spacing and separation distance requirements of the Code". The next sentence states "that determination must be followed by the Development Administrator in issuing or not issuing the permit". Mr. Shank stated that if he presents his surveyor's exhibits that do everything per the Code, he walks out to see Nathan, Nathan gives him a stamp of approval, he goes up to the fourth floor to see Mr. Kolibas, this is a piece of his multi-piece sign permit application. He has a consent from the land owner, he has a permit from ODOT, the sign is engineering structurally sound for wind load, that is then taken by the City, they run through their checklist to whether or not to issue a permit. If there is a place for this exercise to be done by the City it is there, not here. Mr. Shank stated that what happens when going with the City's interpretation, which he feels is wrong. Is he cannot even file a complete application with Mr. Kolibas on the fourth floor

because he will ask for a spacing verification then he will ask if there is an existing sign and be told no. Mr. Shank stated that the City issues an LOD and he cannot even process his application. Mr. Shank stated the power the Board has is in the sign code it states, "you have to be 1,200 feet away from any other off premises outdoor advertising sign"; "the 1,200-foot distance must be measured in a straight line from the center of the proposed sign structure to the other sign structure as located on the ground". That language could not be more clear. Mr. Shank stated that he does not know how a surveyor could be sent out to bring back a report that says, I shot, did the bubble, and as the Chair stated there has always been a race to the pole, so to speak. It is well known in the industry. In fact, he is representing the applicant Lamar, but both Stokely and Whistler support his request of interpretation because it is has been the law of the land for over a decade. The old Code had very similar language. Receiving the spacing verification is one of the first steps going through permitting, and a spacing verification is voided if another sign has been previously spaced and is permitted and is erected.

Mr. Van De Wiele asked Mr. Shank who makes that check for that race to get a pole in the ground? Mr. Shank stated that to close out a permit application there is a final inspection. Code Services goes to the site, the sign is in and is where it is supposed to be and it is done, the permit is final. There is a final back stop. Everyone in the industry understands that race to the pole.

Mr. Shank stated that when the Board accepts a spacing verification the Board looks at the "measurement between the structures as located on the ground". Before you erect a sign, everyone has to submit the permit sign application, and the City takes the information they deem necessary in order to determine compliance. The spacing verification is preliminary, and it is early in the process. The Board lacks the jurisdiction to decide whether anything gets a building permit or not. The Code states to take the math to the proper party, and they will verify that it is there. For over a decade the Board has said they approve the math subject to someone else rendering it void by establishing a sign with the bubble.

Mr. Shank stated that the problems with the City's interpretation is first and foremost, it ignores the plain language of the Code. They are asking for a very technical specialized definition, but none is found in the Code. Plain language says do the math based on what is in the ground not what Section 12B6I3 says a structure could be, what's in the ground. If the City wants to take this process out of permitting and put it in spacing they can do that but they have to amend the Code to make it say something other than "as located in the ground".

Mr. Shank stated this assumes the spacing verification, the City's interpretation, assumes it is the permitting process. It is not. He is not even filing for a permit use yet. What is new is the interpretation and he submits that it is unsupported by the plain language of the Code. Mr. Shank respectively requested the Board to overturn the City's interpretation of the Code in his favor.

Mr. Van De Wiele stated that the current language of the Code does say “from the center of the respective sign structures as located on the ground”. Mr. Van De Wiele stated that Ms. Warrick made the comment that one of these is not in existence yet, so if one is not in existence could the other one similarly be not in existence? Mr. Shank does not believe so. He cannot lawfully erect a sign and then come to the City with a measurement from his sign. What he only has control over is the fact that sign will be placed in a specific spot and there will be GPS coordinates showing as located on the ground. He tells the City the coordinates of where the sign will be and a bubble is shot showing everything that is in the ground, and that is exactly what the Code states.

Mr. Van De Wiele asked Mr. Shank if he had access to the building permits that are either on file or issued for other sign permits? Mr. Shank stated a citizen of the City of Tulsa could do a freedom of information request to get those answers, but he has never done that or thought of doing that.

Mr. Van De Wiele asked Mr. Shank if he was appealing the refusal to allow him to verify spacing. Mr. Shank answered affirmatively. Mr. Shank quoted from a letter he had received from Ms. Warrick, “if after a sign permit is issued a request for verification of spacing is submitted for a location and it cannot be approved due to first legally permitted sign, the new application cannot be approved for spacing and should not be docketed for Board of Adjustment action unless or until the sign permit is revoked”. Mr. Shanks says that is wrong. It is just what is out in the field, and that is it. It does not affect the permitting practices of the City. It is consistent with what has been done and with what the law says. Here is the survey that says there is nothing in the bubble and then the applicant goes on his peril from there, and it is a risk the industry completely understands.

Mr. Van De Wiele asked Mr. Shank if there was a suggestion that he even verify spacing not only to existing signs but to permitted locations? Mr. Shank stated that is the City’s interpretation and do not pass go.

Mr. Van De Wiele asked staff how the process goes. Ms. Miller stated in this particular situation it was brought to INCOG’s attention, and she met with City staff and City legal and it was decided that there was another permit. Ms. Miller stated that she also believes the other pole was in the ground and was to be digitized, but it has been over six months ago. Ms. Miller that was a collective decision based on information that everyone had for the subject location.

Rebuttal:

Dawn Warrick came forward and stated that given the circumstances and the facts in this particular case one of the more important pieces that needs to be considered is the definition in the Building Code, Section 202, Title 51, which defines existing structure as a structure erected prior to the date of adoption of the appropriate Code, or one for which a legal building permit has been issued”. If a legal permit has been issued the City believes that structure should be demonstrated and recognized as approved existing and something that needs to be dimensioned from for the purpose of a spacing

verification is relevant. It requires to be recognized because if it is not then the City could be in a situation where multiple permits would be issued, and all of which could basically become illegal if the structures are installed according to those permits and they were issued incorrectly because the spacing wasn't recognizing permitted structures. When the City puts information in front of the Board with regard to spacing requirements for verification the City needs to have everything demonstrated on that information, so the Board is not lacking all the information they need in order to say that the spacing verification is accurate. Ms. Warrick stated that there are probably ways for the City to get to a point where they can accept spacing verifications that also recognize and show on that documentation existing permits, then the Board would be able to see what it is. In this case, if the spacing verification acknowledges a permit for a structure that may not have began construction but it legally permitted, and then that takes away the ability for something to now be erected or for the spacing verification found to be valid to meet the 1,200 foot dimension she is not sure it merits anybody's effort to put it on the agenda until such time as that permit is either completely affected and the project is complete, or until it is demonstrated that the permit is either revoked, expired, the applicant has withdrawn it or some action has been taken so the City is not in the position that the permit is representing what the City would consider an existing structure. Ms. Warrick stated that when a person talks about the 1,200-foot bubble around a spot around a point on the ground, where either something is going to be modified or placed as new the City really has to recognize existing permitted.

Mr. Van De Wiele asked Ms. Warrick how the City knows whether the permit is 1,150 feet or 1,250 feet from where someone else wants to erect unless someone has verified the spacing. Ms. Warrick stated there are some current resources, and some coming that will be very clear in giving better information about where permits are currently active. There is a map on line right now where someone can see where all the active permits are. The program shows a point, and it is not a survey point in space, but it will give a person an indication that there is an active permit on the site. The permit office and the building review team would be able to pull the documentation on the issuance of the permit and get more specifics, i.e., dimensions and where the structure is permitted to be located if it is not already under construction. There will be a mapping and permit and license system coming on line within the next month that will be more specific and give better information, real live data in current time as to the status of a permit and deeper information.

Mr. Van De Wiele asked Ms. Warrick how she responds to Mr. Shank's suggestion that the denial of a sign permit would be at the building permit or the refusal of a building permit stage rather than a spacing. Ms. Warrick stated that may be a misunderstanding because the way the appeal was written and the request for interpretation was written it never went into why wasn't it docketed for a spacing verification. It went into why were certain sections of the Code applied in the way that they were. She thinks if the City is going to present materials for a spacing verification, and the City knew there was a permitted structure within the 1,200-foot bubble, the City would expect that it would be shown and dimensioned in order for the spacing verification to represent all the facts. Ms. Warrick stated the City does have a responsibility at that level to do checking to

make sure that the City is still on point for the issuance of a permit. She thinks some of the effort is to not make people expend a lot of time and expense in getting to the point where permit could not be issued.

Ms. Back asked Ms. Warrick if there was a timing on when building permits expire, how long can someone sit on a permit to hold up others that want to develop? Ms. Warrick stated that is what Section 3107.5.6, referencing specifically sign permits and permit expiration, it allows that permits for business or outdoor advertising signs which have not been utilized within six months from the date of issuance shall be null and void.

Ms. Back asked Ms. Warrick if interpreting meant construction has started. Ms. Warrick answered affirmatively.

Mr. Flanagan asked if the act of dumping dirt at a site keeps the permit activated. Ms. Warrick stated the chief building official has a responsibility to be responsive to this code section, and the intent is that they are under construction and that construction is consistently moving forward. Even when an extension is requested it does not mean that it will automatically be granted, there has to be facts demonstrated as to what particulars are of the situation and whether or not it merits an extension. If the building official were to grant an extension that is something that is appealable to the Board of Adjustment, so there is due process that is still afforded to another applicant waiting in the wings for their shot at a place.

Andrew Shank came forward and stated the City is hanging their hat essentially on this notion under the section of the building code that a permitted site is an existing structure. Again, in the section it states what you are measuring “advertising sign structures as located on the ground”. The definition of a sign structure is that it has to be in the dirt, built, not referencing another code or possibly built someday. The Zoning Code states it is in the ground. Mr. Shank thinks that removes all doubt.

Dawn Warrick came forward and stated that when they are talking about something being located on the ground, if you are looking at spacing for a new sign installation you have one point or two with something in between, that something in between is not a physical structure located on the ground it is a point space and it is a point on a map that is being pulled from in order to dimension from each direction and show where the new pole will be placed. It is relevant to ensure that you almost never have both things from which measurements are being taken from when speaking about hypothetical or not hypothetical point. When you are talking about something that will be permitted, it is a future structure. A person is proposing a point on the ground and that is where the center of the pole will be, and that becomes the guide for establishing the rest of the dimensional requirements for the verification. That is the case whether the sign is existing, or it is one that will be converted because it is still something that is proposed to be permitted in the future.

Mr. Bond asked Ms. Warrick what is required to establish a point? Ms. Warrick stated the City is looking for setbacks. They are looking for a dimension from the edge of the

property or the centerline of the road or a dimension in a straight line from the nearest other sign facing the same direction having the criteria that are called out for a measurement within the Code. The City is looking for the dimension from center point of the pole, and that is what the City keeps referring to when talking about something located on the ground.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back stated that outdoor advertising signs are a very competitive field. There is always a race to get the spacing verification and get the ODOT approval as well. Her concern is, and she supports staff in the research they have done and their quandary, but Mr. Shank says it should be determined at the final inspection and Ms. Warrick says it should be at the issuance that permits can be revoked, expired or withdrawn. The likelihood of that happening is not likely. The competitors do not even have a chance to apply for a permit and have it waiting in the wings because they can't be get passed without a spacing verification. They cannot even submit. If a person cannot even get their permits turned in and waiting or even get a permit to build it faster is a concern. Ms. Back stated that there has obviously been pointed out an interpretation or a challenge in the Code that might need to be worked to have the process better, but it sounds like there could be multiple signs constructed at once and the one that makes it to inspection gets the sign off. That concerns her. The granting of an extension concerns her if people are not allowed to apply. The sign structure in the ground is the way Code reads now and she tends to lean that way. Ms. Back would grant the appeal.

Mr. Flanagan stated that he is in the place as Ms. Back. Mr. Shank is not looking for approval to start building a sign tomorrow, but what he is concerned about is the race to the pole. Person A is already there, and Mr. Shank cannot even become Person B. Mr. Shank is only asking for spacing verification, and it is obviously it is on what is in the ground not Permit A because that makes Mr. Shank moot.

Ms. Ross agrees with everything Ms. Back has stated. One of the issues she is having a problem with is that Ms. Warrick mentioned there would be the ability to locate areas where permits have been granted on maps, but that is not currently available. It seems that if this is something the City wants to change going forward as far as the Code interpretation that it needs to be more clear in the Code because the language appears to be almost identical to the former Code, and it is different from the practice that has been occurring for years and years. It seems like there has been a change of interpretation but not a change in the language. Currently there is no way for people to easily determine where permits have been granted.

Ms. Miller stated that Ms. Warrick did mention that the City does have the permits on line, and people can see where they have been issued. That is currently available through the City.

Mr. Bond stated that a person can go to Google and get a 20-digit grid that is accurate down to less than half a foot. Mr. Bond stated that he stuck between the point of physically trying to establish construction or is it going back to this idea of getting a definitive point subject to people squatting. Mr. Bond stated that in looking at Section 60.130-C, it is "as located on the ground". Is there a rule or section of the Code that would punish someone for squatting on someone else's ability to place a sign?

Mr. Van De Wiele stated he agrees with the general gist of the other Board members. To him it seems like it is a question of at what stage in the process would the second sign person lose their sign? He thinks the City's position is frankly a customer service friendly position. His instinct is that the sign companies understand the risk and they are all in competition with one another. From the first time he did a spacing verification he thought this was an odd way of doing it, because it truly incentivizing this race to the pole. Every spacing verification he has voted on has that race built into it, because all the Board is doing is verifying something that exists today. It is done for liquor stores, day care centers, and everything that has to be spaced so many feet one from another it goes through this process. Mr. Van De Wiele stated that he thinks this is verifying to signs that are built as located on the ground. Should the Code be rewritten, that is something for staff and the land use department to consider. As to this specific issue he does not see how the Board can decide any other way.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **GRANT** the Appeal of the written zoning code interpretation, Section 70.140.

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NEW APPLICATIONS

22403—Anita Saiymeh

Action Requested:

Variance to install any drive-through sign within 50 feet of the R District to the north (Section 60.030-B). **LOCATION:** NW/c of East 15th Street South & South Columbia Avenue East (**CD 4**)

Presentation:

Jeff Kuykendall, 2011 East 14th Place, Tulsa, OK; stated he represents Bill and Ruth's. The location is currently being relocated around the corner from where it was for almost 28 years. The new site is on the corner of 15th and Columbia and there have been many different layouts proposed concerning the new building and the drive thru. The issues are some ordinances that do not allow a drive thru to run parallel with residential streets. The building is now positioned so the drive thru will be entered from a residential street and run the distance of the building going east and west on the back side exiting south onto 15th Street. The order board has been moved farther west to

allow cars to have access from Columbia and is currently 61 feet from the end of the building with another 25 feet from the end of the building to the curb. With an average car being 15 feet in length the drive should four to five cars. The pick-up window is located on the southwest corner of the building. There will be an allocated dedicated station in the restaurant just for drive thru orders to reduce the amount of time cars are in line and should move customers through the line twice as fast. Mr. Kuykendall stated that there have been meetings with the neighborhood.

Mr. Van De Wiele asked how many cars are in line through a typical lunch hour. Mr. Kuykendall stated that during one month they ran the hours, with the lunch hour being from 11:00 A.M. to 1:00 P.M., there were anywhere from 350 to 450 cars for an entire month which averages to about 15 cars per hour. Mr. Van De Wiele asked if Saturdays and Sundays were included in that count. Mr. Kuykendall that is every day. Mr. Van De Wiele asked if the store was open seven days a week. Mr. Kuykendall answered affirmatively, but the store is not open as long on Sundays. The Sunday hours are from 11:00 A.M. to 8:00 P.M., and the other six days the hours are 10:00 A.M. to 9:00 P.M.

Mr. Kuykendall stated the request is based on the building of a privacy fence, and for allowing for a moderately tall style cypress tree that will not dissipate during the winter. The tree would actually provide a light and sound barrier year-round for the residential properties. The property directly behind the proposed site on the west side of Columbia currently has a garage that comes all the way to the back of the property so there is no living space there.

Mr. Van De Wiele asked Mr. Kuykendall if he was proposing to turn west into the north edge of the subject property, wrapping around the west side of the building and exiting onto 15th Street. Mr. Kuykendall answered affirmatively. Mr. Van De Wiele asked if there were more than four or five cars waiting to go through the drive thru they will probably be stopped in front of the neighbor's driveway, so how is that concern addressed and mitigated against it. Mr. Kuykendall stated the number of cars from the order window to the street being the average time from ordering to pick up is under two minutes. The restaurant is designed with a designated area for the preparing orders is to decrease the time the customers are spending in the drive thru line which allows the line to move.

Mr. Van De Wiele asked Mr. Kuykendall why the drive thru was not going the other way. Mr. Kuykendall stated the order process would be on the wrong side of the car and running the drive thru the length of the building north to south would parallel the drive thru with Columbia.

Ms. Back stated that if she were an adjoining property she would ask to have the drive thru speaker fronted onto 15th Street or onto Columbia. It does not matter how loud or how soft, if a person cannot hear the order they cannot hear the order and that is something you don't want to hear in your bedroom or wherever. Why was the speaker not placed more toward the public areas instead of the private areas? Mr. Kuykendall

stated the east side of the building is being dedicated as an outdoor seating and a three seasons seating area.

Mr. Van De Wiele asked Mr. Kuykendall to state his hardship for the Variance that is unique to the property, i.e., the shape of the property making unnecessarily hard or difficult to adhere to the letter of the Code. Mr. Kuykendall asked if the drive thru line parallel the residential street? If someone enters off 15th Street going north into the property, and the outdoor seating section is removed, the drive thru line would be parallel with 15th Street similar as other long-term established businesses have. It is his understanding that it is not allowed.

Mr. Kuykendall stated the signage will be mounted flush on the building, so it will not be separated as other signs at other drive thru lanes. The distance from the car to the signage is only about 2 ½ feet.

Interested Parties:

Danna McGlumphy, 2720 East 14th Place, Tulsa, OK; stated that Columbia is the main thoroughfare for the neighborhood. There are two thoroughfares through the neighborhood, one on 12th Street and Columbia. All residents in the neighborhood use these streets. There is already a traffic issue because people cut through the neighborhood, even the Fire Department does it. The Brew Pub just opened recently, and they parked a food truck there over the weekend which caused traffic issues forcing people into oncoming traffic to get around it. The streets are very narrow, and she fears people will start parking on both sides of the street because there are no signs to prevent parking on either side of Columbia. Speed bumps were installed to stop people from cutting through the neighborhood at high speed. In order to avoid the speed bumps people use her street as a cut through to get to Columbia, so there will be added traffic because people will have to access the restaurant from Columbia. Ms. McGlumphy thinks the applicant should be allowed to parallel the drive thru, so all the traffic will not be brought into the neighborhood. Bill and Ruth's have a hefty business and the neighbors are thrilled to keep them, but we have to live here. This will cause a major issue for her street and the neighbors need some help. The neighbors need signage and the neighbors need for the customers to not access from Columbia.

Luke Thomas, 2644 East 14th Place, Tulsa, OK; stated he is one of two houses that will be the most affected because he backs right up to the restaurant. His immediate concern is the speaker or the people ordering from a window. Even if there wasn't speaker there, people ordering assume everyone is deaf and they start yelling. His concern is being in his backyard and listening to blah, blah, blah all the time. Mr. Thomas is also concerned about his property value dropping. Traffic is another concern, but the noise issue is the biggest and the immediate concern for him. A speaker on the front would alleviate that issue. The 50 feet rule is a good rule for a reason.

Marilyn Hartig, 2634 East 14th Place, Tulsa, OK; stated she is the fourth house down on the north side. Ms. Hartig asked if the screening would be built from wood or cinderblock because she would like to know.

Femi Fasesin, 421 South Olympia Avenue, Tulsa, OK; stated he is the architect for this proposal. Mr. Fasesin sent a plan to the City to make sure there would be no problems, and the first plan had the drive thru going along Columbia. The City told him that it was against the zoning code; that he could not have a drive thru along any street.

Mr. Flanagan asked Mr. Fasesin if he had considered having the order window on the west side of the property and entering from 15th Street and exiting onto 15th Street, basically making a U in the parking lot. Mr. Fasesin stated that in trying to get a lot of cars on the lot the plan presented is probably the most efficient plan he has. The property is zoned CH, but he is trying to maximize what he has. If the building is pushed toward 15th Street the customers would be walking across the drive thru lane.

Mr. Foster stated that in Section 55.100-C, in regards to location and design, the Code states "that all areas associated with drive thru facilities including drive thru signs, stacking lanes, trash receptacles ... must be located to the rear or on the non-street facing side of the property". Ms. Back stated the client could have a requested a Variance from that.

Rebuttal:

Jeff Kuykendall came forward and stated that it is difficult trying to figure the best way to do this. Mr. Kuykendall stated that he has reached out to the neighborhood and had a meeting yesterday with the Board Association with the Renaissance Neighborhood. They took a vote and they agree with the plan.

Ms. Ross asked Mr. Kuykendall if it were possible for the order board and the window on the west side of the building. Mr. Kuykendall stated that the building would need to be redesigned and turn it lengthwise running north and south to accommodate from the time the customer orders to the time they pick up.

Comments and Questions:

Mr. Van De Wiele stated that he is sensing that the Board has sympathy for the plight but would have a difficult time placing a light box and a speaker within 20 feet of the resident's backyard. From a standpoint of traffic, city streets are city streets, but everyone has the right to drive where they drive, and if parking is allowed on the street they can park on the street. With that being said, his problem with the design is two-fold. One is the light and the speaker shooting into the back of at least two houses, and he tends to think the traffic will stack up to the north upon on Columbia heading south to turn west to wrap around the building. Mr. Van De Wiele stated he would be inclined to support a Variance of the restriction that the Board just heard, that prohibits an ordering device on the street side to put the ordering location on the Columbia side and drive counter clockwise around the building and pick up where it is designated on the site plan. This would mean circling around the building taking traffic off 15th Street and back

onto 15th Street. He does not know if that would work from the City Traffic flow standpoint, but to him it would alleviate the traffic in the neighborhood and it gives the distance from the neighborhood. He cannot support the Variance being requested, but he could support a continuance.

Mr. Bond that it is the standard for the hardship, that it is not self-imposed. Mr. Bond stated that as long as traffic supports the possible changes he would support the Variance that Mr. Van De Wiele discussed. He cannot support a hardship with the application as it is, but he could support a continuance. Mr. Bond thanked Mr. Kuykendall for meeting with the neighborhood because that means a lot to the Board.

Ms. Back stated that she agrees with the other Board members. She thinks she would rather have headlights shining on her house rather than a speaker. She would encourage the applicant to request a continuance.

Mr. Flanagan stated that he agrees with the continuance. Mr. Flanagan stated that when he was in high school he lived at 14th and Owasso, and the first night he slept with the window open but woke up the next morning wanting a What-a-Burger with cheese.

Ms. Ross agrees and would support a continuance.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance to install any drive-through sign within 50 feet of the R District to the north (Section 60.030-B) to the April 10, 2018 Board of Adjustment meeting; for the following property:

LTS 23 & 24 BLK 7, CITY VIEW HILL ADDN, FAIR ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22404—Jeff LaRue

Action Requested:

Variance to reduce the required street setback for the detached accessory garage to 11 feet (Section 5.030); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030); Variance to allow the percentage of coverage in the rear setback to exceed 30% (Section 90.090). **LOCATION:** 2521 East 17th Street South **(CD 4)**

Presentation:

Jeff LaRue, LaRue Homes, 12806 South Memorial Drive, Unit 115, Bixby, OK; stated he is the architect for the home owner. The subject property has been a rental property, and they are now retiring and moving to a smaller house. They would like to renovate the existing garage and turn it into a master bedroom, but that would leave them without

a garage to park in. The home owner is asking now to have the garage in the rear. There is not a lot of room in the back yard and if they are approved for the new garage there would be a 10'-0" x 40'-0" grassy area.

Ms. Ross asked Mr. LaRue where the existing garage is located; she can see the driveway in the photo but does not see a garage door. Mr. LaRue stated the garage has already been converted.

Mr. Van De Wiele asked Mr. LaRue if the existing driveway would be removed and move the driveway around to the side. Mr. LaRue answered affirmatively.

Interested Parties:

Doug Vaughn, 4706 East 105th Place, Tulsa, OK; stated he is speaking on behalf of Lucinda Lilly who is presently at work. She owns the property for 33 years and has lived there. It was said that the applicant wanted to park two modern vehicles side-by-side in the driveway and then safely in the garage. With an 11-foot Variance you might be able to park a motorcycle but not a modern vehicle because it would protrude into the street.

Mr. Van De Wiele stated there may be some confusion as to the size of the garage versus the size of the setback. Mr. Van De Wiele stated that on page 4.11 the proposed garage is shown as 24 x 40 structure. The 11 feet is reducing a 20-foot setback space thus allowing for 9 more feet of building.

Mr. Vaughn stated the structure is exceeding 40% of the floor area would be increased 610 feet because of the addition of the garage space being turned into a master bedroom. That seems excessive for a small lot. Mr. Vaughn stated this seems to be more of a convenience rather than a hardship or necessity. Most people in the neighborhood have either an attached or detached garage, but he is not aware of any 960-foot outbuildings in the neighborhood. This might encourage home businesses or other things that would not be allowed in the RS-3 District.

Ms. Ross asked Mr. Vaughn if he knew about the structure in the neighbor's yard to the west. Mr. Vaughn stated that it does not look like it is 960 feet. Most of the houses in the neighborhood are from 1,000 to 1,200 square feet.

Mr. Van De Wiele asked Mr. Vaughn where Ms. Lilly's house is located. Mr. Vaughn stated that it is located on the southeast corner of Atlanta and 16th. She also has a one-car detached garage as well.

Mr. Van De Wiele asked Mr. Vaughn if it were the overall size of the proposed building. Mr. Vaughn stated that it is the size and the variation. He does not want to see the encouragement of a lot of big outbuildings and home businesses in the area. These are small lots and the neighborhood seems to have done well for over 30 years without a big structure.

Ms. Ross asked Mr. Vaughn if the applicant had indicated to him that they would have a home business. Mr. Vaughn answered no.

Carol Lambert, 2548 East 19th Street, Tulsa, OK; stated she also owns a house down the street from the subject property on 17th. She was actually a rental tenant of Mr. Frakes over 30 years ago. She was the neighborhood association president for many years, and there are other houses in the neighborhood that are infill that fill up considerable area of the lots so there is already a precedent from that standpoint. Ms. Lambert stated that her concern is flooding because the neighborhood is in a flood plain and there has been flooding in the neighborhood. Ms. Lambert stated that she does not have a problem with the requested garage.

Rebuttal:

Alan Frakes, 4184 South Birmingham Place, Tulsa, OK; stated he and his wife are planning to move to the subject property. There is no plan to park cars in the driveway because there is not enough room, they will be parked in the garage. His concept is to have his vehicles secure in a garage behind a gate because there will be a fence also. Mr. Frakes stated he is making a concerted effort to make the property secure and not have a large infill area. He and his wife like the neighborhood.

Mr. Van De Wiele asked Mr. Frakes to state his hardship for the requested relief. Mr. Frakes stated the space of the garage and the work space behind it is for an art studio/workshop. He does not have enough room in the house for that. He currently has a studio, not a commercial studio because he does not sell out of the studio, and he cannot keep using the studio he is renting.

Mr. Van De Wiele asked Mr. Frakes if there were other detached garages in the neighborhood. Mr. Frakes answered affirmatively and stated there is one next door to the west.

Mr. Bond asked Mr. Frakes if the garage that had been on the front of the house was feasible as a modern garage. Mr. Frakes answered affirmatively, and stated it was for a single car. Mr. Bond asked Mr. Frakes when his house was built. Mr. Frakes stated that he thinks it was 1939.

Comments and Questions:

Mr. Bond stated that the structure predates the Zoning Code and that would be enough for him to feel inclined to say the hardship is the existing structure is not suited for a modern garage with modern cars.

Ms. Back agreed. She does not like to see green space go away but she likes the fact that the applicant did not tear down the house and build a huge McMansion. Ms. Back stated that she can support this request, based on the smaller lot and a house built in 1939.

Mr. Flanagan stated he is not against anyone building a two-car garage, but as far as the hardship he has an issue. Mr. Flanagan stated that he will not be favor of this request because of the increased footage for the storage.

Ms. Ross stated that she supports the request. The fact that the house has been rented for 30 years and now the owners are coming back will bring stability to the neighborhood. She agrees that people desire and need a two-car garage today. This house is a smaller house so adding a little bit of additional space for a hobby room does not bother her.

Mr. Van De Wiele stated that he supports this. The Board has approved dozens of garage renovations based on size of vehicles now versus size of vehicles when the house was built. As far as the overall size of the structure, he shares Mr. Flanagan's concerns, he is concerned about the 11 feet for the driveway especially with a gate in front of it. Surface street parking in neighborhoods is typical and has happened for decades. Based on the size of the lot and the house he would be in favor of the request with roofline and exterior finishes being similar to the existing house.

Ms. Miller stated that she would like to clarify that the Variance for the 11 feet from the setback, there is still 12 feet of right-of-way.

Ms. Back stated that she would also like to see the art studio not rented as a dwelling unit or used for commercial or retail use.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-1-0 (Back, Bond, Ross, Van De Wiele "aye"; Flanagan "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the required street setback for the detached accessory garage from 20 feet to 11 feet (Section 5.030); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030), to be increased from 610 square feet to 960 square feet in an RS-3 zoned district; Variance to allow the percentage of coverage in the rear setback be increased from 30% to 53% in an RS-3 zoned district (Section 90.090), subject to conceptual plan 4.11, 4.12, 4.13, and 4.14. The Board has found the hardship to be the size of the lot and the size and age of the house, and the need for a larger garage space to park two full-sized automobiles. The roofline and exterior finishes will be suitable to the main structure. The art studio or design studio not be rentable as a dwelling unit, and that it not be used for commercial or retail business sales. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

E. 6" LT 9 ALL LT 10 BLK 1, LEWISTON GARDENS SECOND ADDN RESUB L10 GLEN ACRES, City of Tulsa, Tulsa County, State of Oklahoma

22405—Danny Overton

Action Requested:

Special Exception to permit a freestanding sign within the City of Tulsa Right of Way (Section 60.020-E). **LOCATION:** 2651 East 21st Street South (**CD 4**)

Mr. Flanagan recused and left the meeting at 2:59 P.M.

Presentation:

Danny Overton, 6440 South Lewis Avenue, Suite 2400, Tulsa, OK; stated he is the CEO for the asset management company for the subject property. Mr. Bullick of Bullick Enterprises, LP is the owner of the subject property. Mr. Bullick purchased the property two years ago with the intent of revitalizing the property and has been finalizing the renovations ever since. One of the last agreed to items in an agreement with the tenant was to erect a monument sign on the property. Once the other tenants heard about the monument sign they were all in support of it. The City has approved the sign so what he is asking is to be able to use the right-of-way to push the sign into the parking space, so it will fit. In 1959 an off-street parking easement was created for the subject property with the right to off-street parking. The easement is still in existence today. That is essentially the area he is asking to go into for the sign. Nobody takes advantage of the easement and this property has used it exclusively. The sign being erected is 10'-0" x 2'-6" x 17'-0" wide. All of those measurements have been agreed to by the City and have been finalized. The edge of the sign will stick into the drive area by about four feet or less. The detriment to the owner would be that he would not be able to live up to the full execution of the agreement that he has with the tenant, and he would lose the competitive advantage that most building of this size have. The ability to modernize is important for any development for today with multi-tenant buildings. At this time there

has been no utility infringement found that would interfere with placing the sign. The area for the sign is essentially five feet of one parking space. The sign will be a static sign with low energy LED lighting and the architecture will complement the building.

Mr. Van De Wiele asked Mr. Overton if he knew he had to have a license agreement with the City. Mr. Overton answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back would like to have the condition added that the applicant receive utility company approval or sign off stating the sign will not interfere with any utilities.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Bond, Ross, Van De Wiele "aye"; no "nays"; Flanagan "abstaining"; none absent) to **APPROVE** the request for a Special Exception to permit a freestanding sign within the City of Tulsa Right of Way (Section 60.020-E), subject to conceptual plans 5.8, 5.9 and 5.10 of the agenda packet. The approval is subject to the following conditions: utility company approval or sign off to allow the sign to be located in the area depicted on the site plan, and subject to the City of Tulsa approval for a license and removal agreement within the right-of-way for the area. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

RESERVE GREENHOUSE SECOND, GREENHOUSE SECOND, BOOKER'S 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Flanagan re-entered the meeting at 3:07 P.M.

22406—Brian Seller

Action Requested:

Variance to reduce the lot width in an RS-4 District to allow a lot split (Section 5.030). **LOCATION:** 1301 North Main Street (**CD 1**)

Presentation:

The applicant was not present. Mr. Van De Wiele moved the case to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

22407—Tanner Consulting – Erik Enyart

Action Requested:

Variance of the required lot width in the RS-1 District to permit a lot split (Section 5.030). **LOCATION:** NW/c East 67th Street South & South Birmingham East (**CD 2**)

Presentation:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, OK; stated he represents the owner of the tract who also owns property to the north and owns two other lots to the west on the same street. An application for a lot split has been filed and it goes before the Planning Commission next week. The Variance request is to reorient the way the lot could be laid out. The subject tract is 200 feet north and south, and the lot could be split creating two lots that run east and west without relief. The uniqueness about the tract is that the topography slopes from the southeast corner back ten feet and then there is a drainage swale along about ten feet of the property that stays wet all the time. It was thought it would be better to run the lots north and south putting the drainage swale on both lots and it would not be encumbered by one. The other thing it does is that the property owner to the west would only be abutted by one residential lot rather than two. The lot to the west would have 100 feet of frontage and the lot on the east would have 93.24 feet of frontage. It is consistent with other lot sizes in the area. Both lots will exceed the RS-1 standard as far as lot area.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the required lot width from 100 feet to 93 feet in the RS-1 District to permit a lot split (Section 5.030), subject to conceptual plan 7.8 and the exhibit submitted today. The Board has found the hardship to be the natural drainage flow of the overall parcel. This is a better design for the neighborhood and for the natural drainage. The Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property

owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

S200 LT 8, MUZINGO HILL, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

REQUEST FOR REFUND

22409—Roger McKee

Variance to reduce front yard setback from 30 feet to 25 feet (Section 5.030).

Location: 2225 East 25th Street South (CD 4)

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Refund of \$300.00; for the following property:

LT-19-BLK-4, WILDWOOD, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22406—Brian Seller

Action Requested:

Variance to reduce the lot width in an RS-4 District to allow a lot split (Section 5.030). **LOCATION:** 1301 North Main Street (CD 1)

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Variance** to reduce the lot width in an RS-4 District to allow a lot split (Section 5.030) to the Board of Adjustment meeting on March 27, 2018; for the following property:

LTS 14 & 15 BLK 2, KRAATZ-GERLACH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

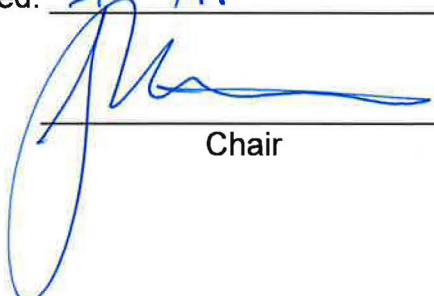
None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:15 p.m.

Date approved: 3/27/18



Chair